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February 8, 2016

## **Via ECF and Email**

The Honorable Analisa Torres  
United States District Court  
Southern District of New York  
500 Pearl St.  
New York, NY 10007-1312

Re: *George Packard, et al., v. City of New York, et al.*, No. 1:15-cv-7130-AT

Dear Judge Torres:

Pursuant to Your Honor's Individual Rules of Practice in Civil Cases § I (D), the plaintiffs do not consent to defendants latest request for an extension. This is defendants' third extension request in this matter, all of which have occurred prior to the submission of a single substantive motion.

As plaintiffs represented at the initial pretrial conference, we are ready and prepared to move this litigation forward. Pursuant to the Case Management Order entered on January 21, 2016, we provided our initial 26(a) disclosures to defendants. Defendants have yet to similarly provide initial disclosures and adhere to the Case Management Order's schedule.

Instead, defendants continue to delay this litigation and now seek an additional two weeks to respond to the Complaint filed on September 11, 2015. Indeed, on the eve of the last deadline to respond to the Complaint, December 14, 2015, defendants requested an extension to initiate the current motion to dismiss process. Defendants will have had two full-months since this last extension to address any purported issues with the Complaint, especially given Your Honor's rules encouraging colloquy between parties prior to the submission of the motion to dismiss. Despite defendants' request, defendants' initial counsel for this matter remain on the docket and were present at the initial pretrial conference, indicating their ability to represent their clients. If defendants' request is granted, this matter will enter its sixth month before the first responsive pleading is entered on the docket due to defendants' continued intransigence.

For the reasons stated above, plaintiffs respectfully request that the Court deny defendants' request for an additional extension of time to file the motion to dismiss.

Dated February 8, 2016

Respectfully submitted,

/s/  
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